

1 Melvin R. McVay, Jr. (Admitted Pro Hac Vice)
 2 Shannon K. Emmons (Admitted Pro Hac Vice)
 2 PHILLIPS MCFALL MCCAFFREY MCVAY
 3 & MURRAH, P.C.
 3 Corporate Tower / Thirteenth Floor
 4 101 North Robinson
 4 Oklahoma City, Oklahoma 73102
 5 Telephone: (405) 235-4100
 5 Facsimile: (405) 235-4133
 6 Email: Mrmcvay@phillipsmcfall.com
 7 Skemmons@phillipsmcfall.com

8 Attorneys for Defendant
 8 H. THOMAS MORAN, II, Court-Appointed
 9 Receiver of LYDIA CAPITAL, LLC

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12 THE LINCOLN NATIONAL LIFE
 13 INSURANCE COMPANY,

14 v. Plaintiff,

19 H. THOMAS MORAN, II, Court-Appointed
 20 Receiver of LYDIA CAPITAL, LLC,

21 Defendant.

Case No. 08-CV-0023-IEG-NLS

JOINT MOTION OF PLAINTIFF, THE
LINCOLN NATIONAL LIFE INSURANCE
COMPANY AND DEFENDANT, H.
THOMAS MORAN, II, COURT-
APPOINTED RECEIVER FOR LYDIA
CAPITAL, LLC, FOR THE EXTENTION OF
TIME TO AMEND PLEADINGS TO ADD
PARTIES

23 Plaintiff, The Lincoln National Life Insurance Company ("Lincoln") and Defendant, H.
 24 Thomas Moran, II, Court-Appointed Receiver of Lydia Capital, LLC (the "Receiver"), respectfully
 25 request the Court to extend the time to amend the pleadings to add parties from August 29, 2008, to
 26 September 15, 2008. Lincoln and Moran jointly seek this extension of time because they are
 27 currently engaged in indemnification discussions with the insurance policy's insured, trustee and

1 agent; and, at the conclusion of these discussions, the insured, trustee and agent may be proper
 2 parties to this lawsuit. Lincoln and Moran, therefore, respectfully request that the Court extend the
 3 time to add parties from August 29, 2008, to September 15, 2008.

4
 5 WHEREFORE, Plaintiff, The Lincoln National Life Insurance Company and Defendant, H.
 6 Thomas Moran, II, Court-Appointed Receiver of Lydia Capital, LLC, respectfully request that the
 7 Court enter an Order granting an extension of time to amend the pleadings to add parties from
 8 August 29, 2008, to September 15, 2008.

9
 10 Respectfully submitted,

11 s/ Jason P. Gosselin

12 Jason P. Gosselin (admitted pro hac vice)
 13 Heath M. Lynch (admitted pro hac vice)
 14 DRINKER BIDDLE & REATH LLP
 15 One Logan Square
 16 18th & Cherry Streets
 17 Philadelphia, PA 19103-6996
 18 Telephone: (215) 988-2700
 19 Email:

20 H. Christian L'Orange
 21 S. Fey Epling
 22 DRINKER BIDDLE & REATH LLP
 23 50 Freemont Street, 20th Floor
 24 San Francisco, CA 94105-2235
 25 Telephone: (415) 591-7500
 Facsimile: (415) 591-7510
 Email: Christian.Lorange@dbr.com
Fey.Epling@dbr.com

26
 27 **Attorneys for Plaintiff**
 28 **The Lincoln National Life Insurance**
Company

29 s/ Shannon K. Emmons

30 Melvin R. McVay, Jr. (Admitted Pro Hac Vice)
 31 Shannon K. Emmons (Admitted Pro Hac Vice)
 32 PHILLIPS MC FALL McC AFFREY MC VAY
 33 & MURRAH, P.C.
 34 Corporate Tower / Thirteenth Floor
 35 101 North Robinson
 36 Oklahoma City, Oklahoma 73102
 37 Telephone: (405) 235-4100
 Facsimile: (405) 235-4133
 Email: Mrmcvay@phillipsmcfall.com
Skemmons@phillipsmcfall.com

38 Richard M. Valdez, CA. Bar No. 156957
 39 James G. Sandler, CA. Bar No. 067407
 40 SANDLER, LASRY, LAUBE, BYER & VALDEZ LLP
 41 402 West Broadway, Suite 1700
 42 San Diego, California 92101
 43 Telephone: (619) 235-5655
 Facsimile: (619) 235-5648
 Email: Rvaldez@sllbv.com
Jgsandler@sllbv.com

44
 45 **Attorneys for H. Thomas Moran, II, Court-**
46 Appointed Receiver of Lydia Capital, LLC